United Nations CEDAW/C/SR.635

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Thirtieth session

Summary record of the 635th meeting
Held at Headquarters, New York, on Thursday, 15 January 2004, at 3 p.m.

Chairman: Ms. Açar

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

***Combined initial and second periodic report of Kuwait* (*continued*)**

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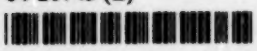
04-20743 (E)



The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second report of Kuwait (*continued*) (CEDAW/C/KWT/1-2)

1. *At the invitation of the Chairperson, the members of the delegation of Kuwait took places at the Committee table.*

Article 10

2. **Mr. Flinterman**, referring to the constitutional guarantee of the right to education to all Kuwaitis and provisions under the Compulsory Education Act No. 11 of 1965 for compulsory education for male and female Kuwaiti children, asked the delegation to explain the position with respect to non-Kuwaiti residents. He was struck by the fact that the number of non-Kuwaiti residents enrolled in all forms of education was far below that of Kuwaitis, and was therefore curious to know what rights to education non-Kuwaitis, particularly non-Kuwaiti women, enjoyed.

3. **Ms. Saiga** asked for an explanation of the headings "first class" and "second class" as they appeared in the tables presented on page 49 of the report. She was also interested to know how gender roles were presented in textbooks used in Kuwaiti schools.

4. **Ms. Tavares da Silva** noted the impressive number of women participating at all levels of the education system. Nevertheless, it appeared that although women represented the vast majority of students and graduates in most areas, the majority of teachers were men. Was that not clear evidence that were obstacles preventing women from obtaining teaching posts, and that such positions were not necessarily granted on the basis of merit?

5. **Ms. Schöpp-Schilling** asked whether there was co-education at the primary and secondary levels. She also wondered how female teachers exercised their profession, and whether they were allowed to teach male students. She would also appreciate statistics on the proportion of men studying abroad, which, according to independent reports, was significant.

6. **Ms. Gaspard** pointed out that information provided under article 5 suggested that the education system reinforced the notion of separate roles for men and women in family life. She asked whether boys and girls were offered similar sporting activities, and whether the delegation could furnish statistics, in Kuwait's next report, on the participation of Kuwaiti sportswomen in international competition.

Article 11

7. **Ms. Achmad** expressed concern over the implementation of article 11, paragraph 2 (c), of the Convention, given the crucial role of family life to human development. It was particularly important for both parents within a family to reconcile work and family responsibilities in a mutually supportive framework.

8. As Kuwait was one of the largest employers of women as migrant workers, she enquired whether the Government had enacted legislation to protect such workers. In that vein, she wished to know to what extent Kuwait participated in regional activities aimed at promoting the rights of migrant workers, implemented programmes of social, economic or legal support or applied minimum labour standards to that end.

9. With regard to the Private Sector Employment Act No. 38, she asked for clarification of the reasons for prohibiting the employment of women at night, and enquired about the conditions of employment for women who were exempt from that prohibition.

10. **Ms. Coker-Appiah** asked for additional information on the protection of migrant workers, particularly domestic workers, under the Private Sector Employment Act. Drawing attention to the need to harmonize legislation pertaining to social benefits, she asked whether, in terms of reproductive rights, additional leave could be granted to women working in the private sector, as was the case for public service workers.

11. **Ms. Khan** noted the impressive level of education of women in Kuwait, but pointed out that the sectors in which they were employed were not indicated in the report. She therefore wished to know the employment rate of women, the wage structure applicable to the hiring of women and the incidence of wage discrimination.

12. With respect to the exceptions made to the prohibition on the employment of women for night

work, she noted that some of those exceptions pertained to workplaces that placed women in vulnerable situations. She asked whether the workers in those areas were predominantly foreign, and whether the delegation could comment on reports reaching the Committee of the critical working conditions under which foreign domestic workers operated in Kuwait. Regarding the high level of participation of women, particularly of reproductive age, in the labour force, she asked whether the majority of such working women were migrant workers or Kuwaitis. She would also appreciate further information on women in the informal and service sectors.

13. **Ms. Patten** asked the delegation to provide information indicating the occupational categories in which women were employed. She asked whether there was any discrepancy in wages paid to men, who did not benefit from the special legislation regulating working conditions applicable to women, and whether the special legislation applied to non-Kuwaiti women.

14. Page 55 of the report stated that various laws had been enacted to encourage Kuwaiti women to work "in a way that did not conflict with their main role in the eyes of society as mothers and carers of the young". Such an approach reinforced stereotyping, and had implications in terms of equal opportunity and free choice of employment. She suggested that Kuwait should review its obligations under article 11.

Article 12

15. **Ms. Popescu Sandru** noted that there was no clear reference in the report of equal access to health and medical care services for men and women. She also wished to know whether non-Kuwaiti women were in any way restricted in their access to such services.

16. She would welcome statistics comparing the incidence of infectious diseases and morbidity between men and women, particularly with respect to cancer, tuberculosis and sexually-transmitted diseases. She commended the Government of Kuwait on the establishment of the National AIDS Committee and its programmes in that area, and said it would be useful to have additional information on the prevalence of the disease and on the proportion of women affected, in comparison with men. Turning to the issue of female circumcision, she asked whether, despite the statement that such traditional practices harmful to the health of women were unknown in Kuwait, there were cases of female circumcision among the non-Kuwaiti population. In the event that such practices existed, she asked what measures the Government had taken to prevent them.

Article 15

17. **Ms. Gnancadja** noted that the report contained a good deal of information on legislation, but very little on practice. She requested clarification of the age of legal capacity for men and women. It appeared from the report that a man who married at the minimum age of 17 would have the right to carry out legal transactions, while a woman would have to wait until she reached majority at 21 even if she was married.

18. **Ms. Kapalata** asked for gender-disaggregated data on the number of human rights violations before the courts. She also wished to know whether the requirement of a waiting period before remarriage after divorce was imposed on men as well as women.

Article 16

19. **Ms. Šimonovic** asked for an explanation of why the minimum age for marriage was different for men and women, whether the grounds for divorce were the same for both and whether the spouses had an equal voice in the management of marital property.

20. **Ms. Gnancadja** said that under civil law, the consent of the woman's guardian was required for marriage, in addition to the consent of both parties. She wondered whether that consent was still required for a woman over the age of majority. It appeared to her that a young woman married at the age of 15 remained in a form of legal limbo until she turned 21, and would appreciate reassurance from the delegation that she would be accorded the same rights as her husband.

21. **Ms. Schöpp-Schilling** said that a more detailed description of the content of the Personal Status Act was needed. In particular, she would like to know whether a man must have the consent of his guardian to marry if he had reached the age of majority. She did not understand the reservation to article 16 (f) and would like to know whether it could be withdrawn. With regard to family violence, she drew attention to General Recommendation No. 19, and asked whether there was any punishment for violence by a husband against his wife.

22. **Ms. González Martínez** said that she was concerned at the lack of application of article 16 and drew attention to General Recommendation No. 21 on equality in marriage and family relations. She asked for more information on the grounds men could present for annulment or divorce, the legal protection available for women and how custody of children was determined.

23. **Ms. Morvai** said that early marriage posed a serious obstacle to women's education, an area which the Government of Kuwait had always emphasized. The minimum age of marriage should be raised to 18 for both men and women, in line with the Convention on the Rights of the Child, which Kuwait had ratified.

24. She would like to know whether any programmes existed to promote men's involvement in child-rearing and family life, and whether the constitutional provisions for the protection of mothers and children also included protection against poverty. The feminization of poverty was a phenomenon that existed even in rich countries like Kuwait.

The meeting rose at 4 p.m.

United Nations CEDAW/C/SR.636

Convention on the Elimination of All Forms of Discrimination against Women

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5 February 2004

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Committee on the Elimination of Discrimination against Women

Thirtieth session

Summary record of the 636th meeting
Held at Headquarters, New York, on Friday, 16 January 2004, at 10.30 a.m.

Chairperson: Ms. Açar

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Initial, second, third, fourth, fifth and sixth periodic reports of Bhutan

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04-21301 (E)

The meeting was called to order at 10.45 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Initial, second, third, fourth, fifth and sixth periodic reports of Bhutan (CEDAW/C/BTN/1-3 and CEDAW/C/BTN/1-6/Corr.1)

1. *At the invitation of the Chairperson, the members of the delegation of Bhutan took places at the Committee table.*

2. **Mr. Tshering** (Bhutan) said that, de ›ite Bhutan's ratification of the Convention without reservation in 1981, institutional and financial constraints had prevented it from meeting its reporting obligations, although it had taken steps to comply with the letter and the spirit of the Convention. The Government had also taken significant measures to address the constraints to its reporting obligations. It had established the Office of Legal Affairs, the International Convention Division in the Ministry of Foreign Affairs and the National Commission for Women and Children. He was confident of Bhutan's compliance in s''bmitting timely reports in future.

3. The report had been prepared by the Planning Commission on the basis of a gender baseline pilot study, with support from United Nations agencies, the outcome of which had been incorporated in the report. Through consultations and workshops, government focal points, United Nations agencies and stakeholders from civil society had contributed to its preparation. The Convention and the updated summary of the report had been translated into the local languages for dissemination to the population.

4. Following ratification of the Convention, a committee had been formed to monitor implementation and commission studies on the status of women. Three completed studies had focused on health, education and water and sanitation, areas closely affecting women. Next, a forum of gender focal points had been created in the various ministries and was coordinated by the Planning Commission secretariat. He drew attention to a number of laws, described in the report, that protected women's rights and to the draft Constitution's guarantee of women's right to be free from all forms of discrimination, exploitation, violence and abuse, their right to free and consensual marriage and their right to family. The high priority accorded to women in Bhutan's national policy was clearly reflected in the country's socio-economic development policies. The authorities had been at pains to create a basic health infrastructure as an urgent priority and it now had 29 hospitals, 160 basic health units and 20 indigenous treatment centres with free access by more than over 90 per cent of the population.

5. Significant improvements d been achieved in maternal health, infant and matern..l mortality rates and access to safe pip.d water. The comprehensive Reproductive Health Programme, launched during the Eighth Five-Year Plan, continued to address women's specific needs and provide access to reproductive health care. Government's conscious efforts to promote girls' education through strategies such as free education from the primary to the tertiary level, expansion of community schools and increased free boarding facilities for girls accounted for the fact that 47 per cent of the children in the country's 412 schools were girls. In 2002, 68 per cent of the 13,000 beneficiaries of the Non-formal Education Programmes launched in 1992 had been women. In employment, there was no formalized gender bias, nor was there any rigid division of labour between women and men in rural areas.

6. Responsibility for a household usually fell to the more capable partner, often a woman. Women were increasingly employed in other sectors as their educational opportunities increased. Equal pay and employment opportunities were guaranteed by the Royal Civil Service Rules, while labour policies ensured equal wages. Businesses were increasingly owned and managed by women, while the fact that over 40 per cent of participants in vocational training institutes were women would enhance the employment of women in the urban sector. Today women occupied 26 per cent of civil service posts and the rate, as well as the level of the positions they held, were steadily improving. Two women had been appointed in 2003 to the important posts of Foreign Secretary and Finance Secretary, and just under half of Foreign Service officers were women. The Queen of Bhutan actively represented the country at international and regional forums on a variety of issues, thus serving as excellent role model. While participation in elections for public office at village and national level was low, it was encouraging that 12 of the 100 people's representatives

recently elected to the National Assembly and one of the six Royal Advisory Councillors were women.

7. Bhutan's laws and policies sought to ensure equal rights for women as well as their security and well-being in society. The authorities were cognizant of the challenges inherent in the Convention's goals, one being to eradicate the more subdued and indirect forms of gender bias which were emerging as a consequence of change. Despite equal legal status, there were imbalances in access, especially to education, enterprise development and governance. Women's perception of themselves and society's perception of them as physically weaker and more vulnerable had influenced their access to education and employment opportunities.

8. Aware that women and children were particularly vulnerable during periods of economic and social modernization, the authorities had committed resources and reviewed plans and programmes to mainstream gender needs and interests and were aware of the need for continual social, economic and legal remedial measures. His country was committed to the full implementation of the Convention and looked forward to learning from the Committee's comments.

9. **The Chairperson** said that the size of the Bhutanese delegation would facilitate the exchange of views with the members of the Committee. She welcomed the delegation's opening remarks, which had provided more detailed information on the situation of women in Bhutan. It was regrettable that the country, having ratified the Convention over 20 years previously, was only now presenting its initial report, combining it with five subsequent periodic reports; the Committee had thus been deprived of the opportunity to monitor implementation of the Convention for two whole decades. She hoped that the present deliberations would enable the delegation and the Committee effectively to address questions and issues arising from the Convention.

10. She urged Bhutan to ratify the Optional Protocol to the Convention as well as the amendment to article 20 (1), which would make for wider implementation of the Convention worldwide.

General observations

11. **Ms. Gabr** said she welcomed Bhutan's ratification of the Convention without reservations, but wished to know how the Convention was dealt with in domestic legislation. She would appreciate further information concerning the specific principles enshrined in the Convention which had been taken into account, and concerning the committee set up to address the ensuing obligations. She also wished to know how the report had been prepared and how the participation of the civil society organizations referred to by the head of delegation had been achieved. Lastly, she would like to know what measures were being taken to reconcile cultural traditions with the country's commitments under the Convention.

12. **Ms. Khan** said she was amazed that despite the deep commitment to gender equality expressed by the head of delegation, it had taken over 20 years for Bhutan to report to the Committee. She wondered whether the Government adequately understood the Convention. She would like to know when the Convention had been translated, as certain non-governmental organizations had stated that that had not been the case a few years previously. She urged the Government to translate the Convention into the many languages spoken in Bhutan. In a short time, many sectors had witnessed social development, which a deep knowledge of the Convention could help to sustain. She asked whether the monitoring body set up in 1981 was still active and what measures had been taken to obtain the disaggregated data needed for successful monitoring. She also drew the delegation's attention to the special measures available under article 4 (1) of the Convention for accelerating the role of women in the implementation of the Convention.

13. **Ms. Gaspard** said that she would appreciate more information about the process used to prepare the report, and whether ministries, non-governmental organizations and other civil society organizations had been involved in that process. Moreover, it was important that the delegation study the conclusions of the Committee in order to facilitate the process of including the provisions of the Convention in Bhutan's draft constitution.

14. **Mr. Melander** said that he would like to know whether the draft constitution would include a chapter on a bill of rights. He would also appreciate more information about the status of the Convention under Bhutanese law, and whether the Convention would prevail in the event that it conflicted with national law. He noted that many of the Bhutanese refugees living in neighbouring countries were women and children, and that many would like to be repatriated; he wondered

what provisions Bhutan had made for their voluntary repatriation.

15. **Ms. Kwaku** said that she welcomed the delegation's commitment to submit its subsequent reports in a more timely fashion. She would also welcome more information about the committee formed to monitor Bhutan's commitments under the Convention, which was mentioned in the report.

16. **Ms. Šimonovic** said that she would like to know whether the report had been submitted to, and adopted by, the Government. The Committee would also like to know more about the legal status of international treaties ratified by Bhutan, and whether Bhutan was planning to ratify more human rights treaties.

17. **Ms. Morvai** noted that although Bhutan had achieved excellent development and growth in a number of areas, including literacy, health and education, the report indicated that women had benefited from the improvements far less than men. In that context, it was very important that Bhutan follow up on its key economic indicators using sex-disaggregated data, in order to determine more precisely how women had been affected by the country's growth and development.

18. **Ms. Shin** noted that the collection of sex-disaggregated data would be very important for Bhutan's future, especially in the area of labour, and wondered whether the delegation could provide more information concerning plans for creating an agency responsible for the collection of data. The Committee would also appreciate more information about women's associations in Bhutan, since their participation in the process of advancing women's rights was crucial.

Article 2

19. **Ms. Gnancadja** said that she welcomed Bhutan's plans to introduce the draft constitution, but noted that, according to the report, the country had no law providing a definition of discrimination. It was extremely important to establish such a definition, because women must be ensured protection from all forms of exploitation.

20. **Ms. Patten** noted that even though the report acknowledged widespread violence against women, Bhutan had no legislation against domestic violence, and she was amazed that its monitoring committee had not addressed the issue. Recalling the provisions of the Committee's General Recommendation No. 19 on violence against women, she urged the delegation to introduce legislation in that area. The report discussed the issue of violence against women in a somewhat descriptive manner, and she would welcome more information about specific measures taken to address the issue. She would also appreciate more information about Bhutan's Rape Act, more specifically about the use of force as a material element in rape and about whether or not the Act included marital rape. She would also welcome data on the number of reported cases of violence against women and on whether the Government's commitment to protect women's rights included efforts to make the police and judiciary more aware of the issue. Lastly, she noted that page 52 of the report referred to "marital violence among friends and relatives", and said that she would welcome clarification of that phrase.

21. **Ms. Saiga** asked when the draft constitution would be introduced, and requested more information about the scope of the General Law of 1957, specifically whether it was distinct from the Supreme Law also referred to in the report. She would also appreciate clarification of the procedure for amending the law on discrimination. In particular, she wondered who had the right to initiate such amendments, how they were implemented and how the public was made aware of them.

22. **Ms. Gabr** observed that in order to comply with its commitments under the Convention and other international treaties, Bhutan would have to revise certain existing laws and add new legislation. She urged Bhutan to look at all its legislation on marriage, inheritance and other matters related to women's issues as part of its overall legislative overhaul; all programmes on women should have a clear legislative foundation based on respect for women's rights.

Article 3

23. **Ms. Ferrer Gómez** said that she would welcome more information about the National Women's Association of Bhutan. In particular, she wished to know whether it was a governmental or non-governmental organization, how it was financed and staffed, whether it was present around the country and what was its mandate. Moreover, the Committee would welcome more information about the national machinery for ensuring implementation of the

Convention and about the nature of the overall national policy on women.

24. **Ms. Tavares da Silva**, noting that some visible results had been achieved with respect to the provisions of article 3 of the Convention, said that a number of passages in the report nonetheless indicated a certain hesitation regarding the nature of general policies for the advancement of women. The Committee would therefore welcome clarification of general policies within all relevant programmes.

25. **Ms. Popescu Sandru** asked for clarification of the relationship between the National Women's Association of Bhutan, the monitoring committee and the National Commission for Women and Children. The report said little about Bhutan's programmes and efforts to eliminate violence against women, promote women's empowerment and eliminate discrimination against women. The Committee would welcome additional information about the mandate and aims of the National Commission for Women and Children and about its staffing and administration. She also wished to know whether there was a separate department that dealt exclusively with women's issues, because she was concerned that the combination of women and children within one mandate might produce an exaggerated focus on maternity-related issues. Finally, she would welcome information about how Government worked together with civil society to promote women's rights.

Article 4

26. **Ms. Tavares da Silva**, referring to a passage on page 17 of the report stating that Bhutanese law made no provision for preferential treatment of women, said that the delegation appeared to be confused about the purpose of article 4 of the Convention. Bhutan should be focusing its legislative reform, not on the issue of preferential treatment for women, but on the elimination of discrimination against them.

Article 5

27. **Ms. Khan** expressed concern at the statements on page 1 of the report, to the effect that Bhutanese women enjoyed freedom and equality in many spheres of life, but that the biggest challenge nationwide was to eradicate the more subdued and indirect forms of gender bias encountered at home and in the workplace. Indeed, the report appeared in general to reflect an acceptance of certain realities and almost to condone certain perceptions and practices regarding women's traditional domestic role.

28. **Ms. Ferrer Gómez**, endorsing Ms. Khan's views concerning the contradictions in the report with respect to the status of women in society, noted that traditions were often discriminatory and carried considerable weight. Women were often unable to speak in public, move freely or seek employment outside the home. However, the report did not say what was currently being done to counteract such mindsets. The delegation should explain what was meant by the statement that men were superior in their intellectual ability.

Article 6

29. **Ms. Tavares da Silva**, referring to Bhutan's plan to enact legislation on prevention of "immoral trafficking in women and children", said that the word "immoral" should be deleted, since there was no form of "moral" trafficking.

30. **Ms. Morvai** said that prostitution was an immoral activity. It was not immoral because it was practised by the prostitute, who was often a victim of child abuse and pressured by poverty to enter that trade. However, it was an immoral activity on the part of the client who used the prostitute's services. In that regard, she welcomed the provision in Bhutan's draft constitution that women had the right to be free from all forms of discrimination and exploitation, including trafficking in women, prostitution, abuse and violence. By making freedom from prostitution and trafficking a constitutional right and making it clear that prostitution was a form of discrimination, the Government of Bhutan had done pioneering work. She encouraged the Government to retain that provision in the final constitution. Moreover, she strongly encouraged the delegation to make prostitution illegal, not through the criminalization of prostitutes, but by following in the pioneering footsteps of Sweden, which criminalized the clients. The delegation should study the Swedish model and seek technical assistance in developing its law on prostitution. There was no way to address trafficking without addressing prostitution. In that regard, she encouraged Bhutan to ratify the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

Article 7

31. **Ms. Šimonovic** expressed surprise at certain statements in the report that reflected how deeply rooted stereotypes were in Bhutan. What was the Government doing to change stereotypes concerning women's participation in political and public life? She would welcome more information and statistics on women's participation in public life, including the percentage of women in the judiciary and in the Government and a clarification of the apparent discrepancy between the figures provided by UNDP and the Government concerning the percentage of women in Parliament for 2003.

32. **Ms. Morvai**, noting from the report that women had been sexually assaulted during the course of cross-border raids by dissidents in southern Bhutan over the last 10 years, wanted to know what action the Government of Bhutan had taken or intended to take to deal with that form of violence.

Article 8

33. **Ms. Popescu Sandru** welcomed the steps taken to strengthen the institutional capacity of the Ministry of Foreign Affairs and the appointment in 2003 of a woman as Minister of Foreign Affairs. She would welcome statistics on the number of Bhutanese women diplomats posted abroad to the country's diplomatic missions and to international forums and the number of female ambassadors. She wondered if women diplomats benefited to the same degree as their male counterparts from training courses and scholarships.

Article 9

34. **Ms. Coker-Appiah** said that there was a clear case of discrimination with respect to the right of Bhutanese women to pass on their citizenship to their children. In the case of Bhutanese men married to non-Bhutanese women, children could automatically receive Bhutanese citizenship. However, Bhutanese women married to non-Bhutanese men could not pass on their citizenship to their children. In that regard, she drew the delegation's attention to article 9, paragraph 2 and article 2 (f) of the Convention. She would welcome information on the rights of the children of Bhutanese women married to non-Bhutanese men as well as on the numbers of women and children involved.

35. **Ms. Saiga** sought further clarification on the complicated issue of citizenship in Bhutan, including the qualifications and rights of women who were married to Bhutanese men and the differences and similarities, if any, between the citizenship acts of 1958, 1977 and 1985 and their impact on citizenship rights.

36. **Ms. Gaspard** requested additional information on access to citizenship, particularly from the standpoint of equality between women and men, and the transmission of nationality to children. Referring to Bhutanese refugees in Nepal, she noted that negotiations were under way to ensure the return of nationals of Bhutan. She wondered about the status of those negotiations and the status of the children of women who had originally had Bhutanese nationality, but had married non-Bhutanese men. Were the children entitled to Bhutanese nationality and could they return to the country because of their mother's nationality?

Article 10

37. **Mr. Flinterman** noted the considerable progress achieved by Bhutan in implementing the right to education. It was stated that in 2003, 47 per cent of the total number of pupils enrolled in primary schools had been women and that by 2007, universal primary education would be achieved in Bhutan. The results achieved at the secondary and tertiary levels, while impressive, were not as spectacular. In that regard, he wished to know what policy measures had been taken or suggested in the study of the CEDAW monitoring committee to encourage girls and women to enrol in higher levels of secondary and tertiary education. He wondered whether the Government was considering temporary special measures. While the Committee had been informed of an increasing number of female teachers, it was not clear whether they were teaching at all levels of education. Due to the country's rapid population growth, the financial implications of providing education to all were enormous. Was the Government seeking international cooperation in that respect?

38. **Ms. Achmad** said that the Government's emphasis seemed mainly to be on education. However, there was no mention of the contents of such education. Accordingly, she would welcome more information on measures being taken to review and improve the content of education in order to adjust the curriculum to the modernization process in the country. The content of education should put emphasis on the elimination of discrimination against women. She

wondered whether the Government planned to provide training to officials in the executive and legislative branches so as to change the traditional stereotypical perception of women. Was there a special act on education?

39. **Ms. Shin** said that there was a big discrepancy in technical education, especially in science and technology, and an extremely high percentage of illiterate women among the rural population. In that regard, she wondered whether the Government was considering introducing special measures for women and girls, such as scholarships or quotas in that area. What steps had the Government taken with respect to the education of rural women, whose illiteracy rate of 18 percent was alarming?

40. **Ms. Gaspard**, noting the plans of the Government of Bhutan to develop a higher education system under the umbrella of a national university, said she would welcome gender-specific data on the number of students who currently studied abroad. Given that male students were often favoured for foreign exchanges, it would be useful to know whether there were any financial assistance programmes to encourage women to study abroad. More information on national measures to ensure equal access to higher education, at home and abroad, would also be helpful.

Article 11

41. **Ms. Patten** commended the delegation of Bhutan for its candid reporting on the relatively small number of women in senior management positions. She would like more specific information, however, on measures that the Ministry of Labour and Human Resources had taken to ensure equal employment, including temporary special measures, and the obstacles that it had identified to achieving that goal. It would be useful to have data on the percentage of female students from among the estimated 50,000 and 100,000 students who were expected to enter the labour market by 2007 and 2010 respectively.

42. **Ms. Shin**, recognizing the difficult task of balancing healthy development in rural areas with increased urbanization, said she was concerned that, according to the periodic report, women had less access to agricultural and animal husbandry training programmes than men, particularly when participation in those programmes required travel and overnight stays. It was precisely such programmes, however, that urgently required a gender perspective. Moreover, the training programmes should be expanded so that instructors might visit remote areas. She urged the delegation, particularly the representatives present from the Ministry of Finance, to devote more resources to outreach programmes for rural women. That would help to stem a hasty exodus to urban areas, where unskilled rural women often remained at low-paying positions as domestic servants, and to ensure that the benefits of development assistance would not be focused solely on men. Lastly, she expressed concern that the 1980 Police Act discriminated against women in the Royal Bhutan Police, who currently numbered 104, by limiting their functions to investigating cases involving women, handling female prisoners or directing traffic.

Article 12

43. **Ms. Kwaku** commended the Kingdom of Bhutan for providing basic health-care coverage for more than 90 per cent of its population, despite the country's rugged terrain and sparse population. In that regard, she was especially interested in learning more about Bhutan's telemedicine project, how it worked and how women in particular benefited from it. She noted that because abortions were permitted under the law only when the life of the mother was endangered or when the foetus would suffer severe physical and mental abnormalities, many clandestine abortions had been performed, including on young girls, often outside the country. Although gathering information on such matters was difficult, any details on the number of such abortions would be helpful. She would like to know what steps were being taken to address the problem and prevent the unnecessary loss of life that tended to ensue from such operations.

44. **Ms. Khan** congratulated the delegation of Bhutan on the impressive progress made in increasing life expectancy and decreasing maternal and infant mortality rates. She was concerned, however, at the alarming birth rate. She failed to understand why, despite the high level of awareness about contraceptives, the rate of contraceptive prevalence was so low. More information would also be welcome on the strategies to promote safe motherhood and child survival. She suggested that the Government of Bhutan should take a more holistic approach to women's health and pay particular attention to diseases that affected women, such as breast and cervical cancer, as well as

the deaths from tuberculosis and heart disease caused by smoking. Further data on alcohol, tobacco and drug abuse would be welcome. Lastly, more detailed information was needed on the number of sex workers in Bhutan and the prevalence of HIV/AIDS, particularly in refugee camps.

45. **Ms. Patten** joined colleagues in congratulating the Kingdom of Bhutan on making access to health care a priority and especially on the decrease in maternal mortality rates. She wished to learn whether the Government was considering a review of its family planning policies in the light of the country's high birth rate. Commending the delegation on the rise in the number of hospital and health units, she requested more detail on access to health care and the number of medical centres in rural areas. Finally, she stressed the need for disseminating information on health as an effective means of combating disease, particularly in rural areas.

Article 14

46. **Ms. Schöpp-Schilling** thanked the delegation of Bhutan for believing in the United Nations and for bringing a United Nations perspective to Bhutan, which was particularly important in rural areas, where 80 per cent of the population lived. She did not have a clear picture, however, of the situation of rural women, and some of the information provided in the report was contradictory. On the one hand, it stated that women shared in decision-making, held titles to land and had power of the purse; on the other hand, men made decisions on the purchase of equipment and farm machinery in more than 60 per cent of households and women and girls lacked mobility. Some clarification of women's access to assets would be useful. She also urged the delegation to provide more specific data on rural women in various areas, especially southern Bhutan, in the next periodic report, and suggested that it should appeal for international assistance to help to generate such data. It would also be useful to have a more detailed description of the kind of work women did in the agricultural sector and whether they worked for cash or did subsistence farming. If the latter was the case, more information on the cash situation of rural women would be welcome. Finally, while she commended the Kingdom of Bhutan for its efforts at gender mainstreaming, those efforts should not rule out special projects for women, including the use of temporary special measures, to accelerate the process of mainstreaming as well as economic modernization.

47. **Ms. Kwaku** joined Ms. Schöpp-Schilling in her request for more detailed information on the situation of rural women. She would also welcome any official figures on women with disabilities and information on legislation for the protection of their rights or measures for their promotion.

Article 16

48. **Mr. Flinterman** said he was encouraged to learn that the Marriage Amendment Act of 1996 had set the legal age for both men and women at 18. He was confused, however, about common law marriages in Bhutan, for which the minimum age was 15. Since no official marriage certificates were issued for such marriages, some clarification of their legal status would be useful. It would also be helpful to know whether those marriages involved the consent of both spouses and could be dissolved. If that was not the case, he wished to know whether the Government of Bhutan would consider abolishing them, in accordance with the provision in article 16 of the Convention, which required States parties to ensure, on a basis of equality of men and women, the same right freely to choose a spouse and to enter into marriage only with their free and full consent. He also noted the important difference in treatment of men and women with respect to nationality. Given that a Bhutanese man who married a non-Bhutanese woman automatically retained his nationality and that the same did not apply to Bhutanese women who married non-Bhutanese men, he wondered whether the Government of Bhutan would consider rethinking its nationality laws in the light of article 9 of the Convention, on equal rights with respect to nationality, and the above-mentioned article 16.

49. **Ms. González** asked whether the Kingdom of Bhutan had taken any steps, including public awareness campaigns, to reduce and eventually eliminate polygamy and polyandry in the country as well as marriages between relatives. She also wondered whether any measures had been taken to change the practice of marriage between relatives in eastern and some sections of southern Bhutan. More information would also be welcome on the acceptable grounds for divorce or annulment and whether they differed for men and women.

50. **Ms. Gnancadja**, noting that the registration of marriages in Bhutan required a birth certificate, which very few Bhutanese possessed, requested more information on how the minimum legal age of marriage was verified in the absence of such a document. She said that although domestic violence was described as a crime in the periodic report, the seriousness of the offence was minimized by the fact that it was punishable only by a fine. More clarification was needed on the imposition of fines for "outraging the modesty of a woman while asleep" and "punishment for outraging the modesty of a woman by drugging her" mentioned in the report. She would like to know whether such offences incurred any possible prison sentences. Finally, she was concerned that legislation (in the *Thrimzhung Chhenpo*) against false accusations of sexual assault might act to deter women from pressing charges against their assailants.

51. **Ms. Kwaku** asked what constituted a marriage under the Marriage Act of 1980. Further information on the grounds for divorce and custody rights for spouses in polygamous and polyandrous unions under the Act would be useful. In conclusion, she strongly urged the delegation of Bhutan to consider working towards the complete elimination of such unions.

52. **Ms. Šimonovic** enquired whether common law marriages between couples younger than 18 could receive legal certification. More information would be welcome on arranged marriages of minors in rural areas and any actions the Government of Bhutan was taking to prevent them.

53. **Ms. Khan** drew attention to the statement in the periodic report that marriages also functioned as a mechanism of exchanging workforces between families, a notion that she urged the delegation of Bhutan to take measures to change. Some clarification of the contradiction between the prohibition of marriage between minors and the existence of common-law marriages, which in fact allowed for such unions, would be helpful. She would also like to know the status of common-law marriages that had been entered into before the Marriage Act of 1980, whether they had been registered and whether custody and inheritance laws applied to them. It would also be useful to know whether inheritance laws differed between rural and urban areas. She failed to understand why inheritance laws discouraged rural women in particular from pursuing an education and would also like to know whether men were allowed to inherit land.

54. **Mr. Tshering** expressed his appreciation for the thorough consideration that the Committee had given to his country's periodic report. He recognized that many issues called for clarification and he welcomed the many statements on the broader question of how best to implement the Convention. He also understood the need to make improvements to meet the detailed reporting requirements. In closing, he said that the expertise of his many colleagues in the delegation would be instrumental in preparing replies to the questions put by the Committee and in finding ways to implement the Convention in Bhutan.

The meeting rose at 1.10 p.m.